Misc. App. 13392/ 06
Dismissal App. 3111/07
In
W.P. No. 1360 of 2006 (S/S)

Hon. P.C. Pant, J.

Heard Mr. Nagesh Aggrawal, learned counsel for the petitioner and Mr. Gopal Narain, learned counsel for the respondents No. 1 and 2.

By means of this writ petition, the petitioner, a teacher in Kendriya Vidyalaya Sangathan, has sought writ in the nature of mandamus commanding the respondents to consider and court his past services for payment of enhanced retrial benefits.

Learned counsel for the respondents drew attention of this Court to the principle of law laid down in ***L Chandra Kumar Vs. Union of India and others; reported in 1997 Supreme Court case (L & S) 577,*** and it is argued that the relief sought by the petitioner can be sought by moving to the Central Administrative Tribunal, and as such, the writ petition under Article 226 of the Constitution of India, is barred.

Having heard learned counsel for the parties, and after perusing the aforesaid judgment passed by the Apex court, this Court is of the view that the writ petition is not maintainable, and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed with the observation that the petitioner may approach the Central Administrative Tribunal for the relief sought by him.

(All pending applications in this petition also stand dismissed).

(P.C.P., J.)
27.10.2007

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